IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 620 OF 2006

Bhimashankar Arjun Takalkar ...Applicant.

V/s

State of Maharashtra,
through P.I. Khadak Police
Station. ...Respondent.

Mr. Uday Warunjikar for the applicant.
Ms. D.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 20TH FEBRUARY, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for anticipatory bail. The applicant has an apprehension that he is likely to be arrested in connection with the offence which is registered at the Khadak Police Station. It is alleged in the complaint that the Bank Account in the name of Shrikant Ambekar was opened in Vishweshwar Cooperative Bank and the photograph of the present applicant was used as holder of the account. The amount which was disbursed by the Bank of Baroda as housing loan which was granted to one Shri Prakash Helkar, was withdrawn from this Bank.

3. It is submitted by the learned Counsel appearing

for the applicant that the applicant had neither opened an account nor he had signed the documents. He submitted that he was merely a guarantor for the housing loan which was taken by one Prakash Helkar. He submitted that the custodial interrogation of the applicant was not essential as the Bank had necessary documents in their custody to recover the amount. He submitted that, therefore, this was a civil dispute for recovery of the amount. He submitted that the applicant himself had been cheated by the main accused viz. Prakash Helkar.

4. It is not possible to accept the submissions made by the learned Counsel for the applicant. I have perused the FIR which is lodged at Khadak Police Station. It appears that fictitious accounts were opened and that amount which was given towards the housing loan in favour of the third person was withdrawn by fabricating and forging the documents. The Bank noticed that this had happened in 3/4 cases. Considering the nature of the offence, in my view, this is not a fit case for grant of an anticipatory bail. The application for anticipatory bail is rejected.

V.M. KANADE, J.